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10/562,515	03/07/2006	Jerome Chouraqui	BDM-05-1839	8093

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EXAMINER

EASON, MATTHEW A

ART UNIT	PAPER NUMBER
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4146

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,515	Applicant(s) CHOURAQUI, JEROME	
	Examiner Matthew Eason	Art Unit 4146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/7/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 19-36 are presented for examination. Claims 1-18 have been canceled by the preliminary amendment filed on 3/7/06.
2. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 03/08051, filed on 7/02/2003.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *personal equipment (personal telephone, personal computer), transmitter, personal information (SMS, MMS, digital images), advertising information (text, graphic files), chat rooms* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 3/07/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 19-21, 23-25, 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner (U.S. Pat # 7,194,511 B2) in view of Bruck et al. (U.S. Pat # 7,143,428 B1).

Claim 19:

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Stettner discloses the following limitations:

A process for displaying personal information in an interactive television broadcast comprising:

- *acquiring personal information with the aid of personal equipment*

See at least col. 3, lines 56-65. Stettner teaches the transmission of comments/queries to a television broadcast system using, for example, "a personal computer (PC)" (col. 3, line 57).

- *transmitting the personal information to a server for broadcasting content*

See at least col. 3, lines 21-23 & 56-65, wherein the input is received and stored on a server.

Stettner further discloses, in at least col. 3 lines 24-29 & col. 5, lines 36-39, the following limitations:

- *processing the personal information from the server for broadcasting content comprising:*
- *formatting data comprising the personal information intended to be used by application software of the interactive television*
- *encapsulating the data in a format for the transportation of a video stream*

Stettner does not specifically disclose the following limitations:

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- *the encapsulated data is broadcast as a multiplex with video streams corresponding to a televised broadcast associated with the personal information*
- *the user simultaneously displays and removes video information and the personal information.*

However, Bruck, in at least Fig. 11 & 13, Abstract, shows two television displays, one with an overlying chat room on top of a television broadcast, and another with an option to enter into a chat room while watching a television broadcast. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the interactive show system of Stettner with the interactive television chat system of Bruck because doing so would enable a user to “chat during the video program” (Bruck, col. 2, lines 23-25).

Claim 20:

Stettner, in at least col. 4, line 67 & col. 5, lines 1-6, further discloses the following limitation:

- *The display process according to claim 19, wherein the transport format of the personal information is an MPEG format.*

Claim 21:

Stettner, in at least col. 4, line 67 & col. 5, lines 1-6, further discloses

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- *The display process according to claim 19, wherein the personal information is short SMS messages.*

wherein it teaches “character string messages sent via wireless devices,” which includes short text messaging via a cell phone (referring back to col. 3, lines 61-62 where it teaches that a terminal may be “a mobile wireless device such as a cellular telephone”).

Claim 23:

Stettner, in at least col. 4, line 67 & col. 5, lines 1-6, further discloses the following limitation:

- *The display process according to claim 19, wherein the personal information is digital images.*

wherein it teaches that the participant input can be formatted as a JPEG (Joint Photographic Experts Group), which is widely used form of digital image compression.

Claim 24:

Stettner, in at least col. 3, lines 56-65, further discloses the following limitation:

- *The display process according to claim 19, wherein the personal information is acquired on a portable telephone and transmitted to a server of a telecommunication operator.*

wherein it teaches that a mobile wireless device such as a cellular telephone can be used to send participant input for an interactive show. While not mentioned explicitly, it

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would have been obvious to a person of ordinary skill in the art at the time of the invention that the use of a cellular telephone would involve transmissions to a server of a telecommunication operator.

Claim 25:

Stettner, in at least col. 3, lines 56-65, further discloses the following limitation:

- *The display process according to claim 19, wherein the personal information is acquired on a personal computer.*

Claim 28:

Stettner, in at least col. 7, lines 54-58 & 63-67, further discloses the following limitation:

- *The display process according to claim 19, further comprising filtering personal information encapsulated as a function of parameters recorded on the personal equipment.*

wherein it teaches filtering received e-mails to determine which category or segment of a television broadcast they pertain to.

Claim 29:

Stettner, in at least col. 7, lines 54-58 & 63-67, further discloses the following limitation:

- *The display process according to claim 19, wherein the personal information contains a header comprising personalizing filtered data of equipment of a TV viewer or of a group of TV viewers.*

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wherein it teaches filtering received e-mails to determine which category or segment of a television broadcast they pertain to. It further teaches processing the input based on its type (e.g., video, email, voicemail, etc.).

Claim 30:

Stettner does not specifically disclose:

- *The display process according to claim 19, further comprising displaying advertising information.*

Bruck, in at least col. 8, lines 21-24; Fig. 9 teaches the capability to display advertising text and images. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Stettner's interactive television system with the advertising capabilities of Bruck because doing so would provide an alternative means for advertisers to submit their advertisements to broadcast networks for inclusion on television broadcasts.

Claim 31:

While Stettner does not specifically disclose:

- *The display process according to claim 30, wherein the advertising information is text.*

Bruck, in at least col. 8, lines 21-24; Fig. 9 teaches the capability to display advertising text and images. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Stettner's interactive television system with

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the advertising capabilities of Bruck because doing so would provide an alternative means for advertisers to submit their advertisements to broadcast networks for inclusion on television broadcasts.

Claim 32:

While Stettner does not specifically disclose:

- *The display process according to claim 30, wherein the advertising information comes from graphic files.*

Bruck, in at least col. 8, lines 21-24; Fig. 9 teaches the capability to display advertising text and images. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Stettner's interactive television system with the advertising capabilities of Bruck because doing so would provide an alternative means for advertisers to submit their advertisements to broadcast networks for inclusion on television broadcasts.

Claim 33:

Stettner, in at least col. 4, line 67, and col.5, lines 1-6, further discloses the following limitation:

- *The display process according to claim 32, wherein the graphic files are in JPEG, GIF, PNG or BMP format.*

While it does not teach "GIF, PNG, or BMP" it does teach "JPEG." The other three formats are all similar formats of image compression. It would have been obvious to a person of ordinary skill in the art at the time of the invention that these formats are interchangeable, and while not specifically claimed, that Stettner would be capable of receiving and incorporating "GIF, PNG, or BMP" formats.

Claim 34:

While Stettner does not specifically disclose:

- *The display process according to claim 19, further comprising constructing multiple streams from bits of personal information, each comprising a part of the personal information, before processing the information.*

Bruck, in at least Fig. 11, teaches the receiving and display of chat messages from multiple users. These messages were received in different streams before being processed for the display. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Stettner's interactive television system with Bruck's multiple chat transmission retrievals because doing so would allow for multiple users to submit input simultaneously to a television broadcasting station.

Claim 35:

While Stettner does not specifically disclose:

- *The display process according to claim 34, wherein different streams allow broadcasting into different chat rooms.*

Bruck, in at least col. 2, lines 42-49, teaches the ability for users to enter text messages into a plurality of chat rooms corresponding to various television broadcasts. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Stettner's interactive television system with Bruck's multiple chat rooms because doing so would enable television broadcast viewers to not only submit their input to the broadcast of interest, but simultaneously view other's inputs, which could be organized by category (i.e. pictures, voice messages, text messages).

Claim 36:

Stettner, in at least Fig. 1, 2, & 3, further discloses the following limitation:

- *A system that displays the personal information according to the process of claim 19, comprising means for acquiring the personal information, a transmitter and a display.*

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner (U.S. Pat # 7,194,511 B2) in view of Bruck et al. (U.S. Pat # 7,143,428 B1) and Parker (U.S. Pat # 6,934,369 B2).

Claim 22:

Stettner, in view of Bruck, discloses the limitations as shown in the rejection of claim 19 above.

While Stettner, in view of Bruck, does not specifically disclose:

- *wherein the personal information is multimedia MMS messages.*

Parker, in at least col. 5, lines 6-14, teaches including addresses, hours, location, advertising, etc in a MMS message. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the interactive show system of Stettner with the MMS capability of Parker because it would allow for more information (exceeding the length of SMS messages) to be sent during one transmission.

10. Claims 26 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stettner (U.S. Pat # 7,194,511 B2) in view of Bruck et al. (U.S. Pat # 7,143,428 B1) and Chen et al. (U.S. Pub. No. # 2003/0110232 A1).

Claim 26:

Stettner, in view of Bruck, discloses the limitations as shown in the rejection of claim 21 above.

While Stettner, in view of Bruck, does not specifically disclose the following limitation:

- *The display process according to claim 21, wherein the information processing stage comprises an operation for aggregation of the personal information including constructing at least one queue constituted of a plurality of messages.*

Chen, in at least paragraph 0038, teaches “a plurality of queues (i.e., queues that include messages that may be shared among processors).” Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the message containing multiple queues of Chen in the interactive television system of Stettner because doing so would enable multiple callers to submit their input for later review by a human operator.

Claim 27:

Stettner, in view of Bruck, discloses the limitations as shown in the rejection of claim 21 above.

While Stettner, in view of Bruck, does not specifically disclose the following limitation:

- *The display process according to claim 21, wherein processing the personal information comprises an operation for aggregation of the personal information including constructing a plurality of queues.*

Chen, in at least paragraph 0038, teaches “a plurality of queues (i.e., queues that include messages that may be shared among processors).” Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the message containing multiple queues of Chen in the interactive television system of

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Stettner because doing so would enable multiple callers to submit their input for later review by a human operator.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Eason whose telephone number is (571)270-7230. The examiner can normally be reached on 8AM-5PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramesh Patel can be reached on (571)272-3688. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew Eason/
Examiner, Art Unit 4146

/Ramesh B. Patel/
Supervisory Patent Examiner, Art Unit 4146

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